

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-33477 of 2016

Date of Decision: 29.09.2016

Mark Fyaz @ Fyaz Ahemd

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Siddharth Gupta, Advocate
for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.107 dated 5.5.2016 under Sections 489B and 489C IPC registered at Police Station Kotwali, Bathinda, District Bathinda.

Learned counsel for the petitioner contends that the allegation against the petitioner is of recovery of 90 counter-fake American dollars in the denomination of 100/100 each and the veracity of alleged recovery shall be determined only on receipt of FSL report, which is still awaited. He submits that so far offence under Section 489C IPC is concerned, the same is bailable. He further submits that the petitioner is in custody since 7.5.2016 and there is no other case against him except the present, therefore, he be released on bail. He relies upon an order of this Court in

CRM-M-28970-2016 *Amritpal Singh v. State of Punjab* decided on 15.9.2016, wherein, in similar set of circumstances, the petitioner-therein was released on regular bail.

Learned State counsel, on instructions from ASI Jaswant Singh, does not dispute the fact that FSL report is awaited and co-accused of the petitioner has been admitted on bail in CRM-M-28970-2016 vide order dated 15.9.2016.

I have heard learned counsel for the parties.

Considering the fact that in the instant case, the FSL report is yet to be received and the petitioner is in custody since 7.5.2016 coupled with the fact that there is no other case against him except one and the trial in the case will take sufficiently long time, I deem it appropriate to release the petitioner on regular bail. Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to furnishing of his bail bonds/surety bonds to the satisfaction of the trial Court.

Needless to say that observations made hereinabove shall not be construed as any expression on the merits of the case.

September 29, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No